



# MEMO ENDORSED

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October 23, 2006

**BY FAX**

The Honorable James C. Francis IV  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street - Room 1960  
New York, New York 10007-1312

USDC SDNY  
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*Re: Portera v. The City of New York, et al., USDC SDNY 05 CV 9985 (KMK)(JCF)*

Dear Judge Francis:

On behalf of plaintiffs and defendants, I write to request an enlargement of time in the schedule of this case. The current Case Management Order in this action provides that all depositions of fact witnesses shall have been noticed by November 1, 2006. To date, the parties have exchanged written requests for discovery including interrogatories and document requests. Defendants have produced a large volume of documents as well as consolidated witnesses for deposition. I have consulted with plaintiffs' counsel, Rachel Kleinman, and both sides need additional time to identify witnesses and notice depositions in this case. Accordingly, plaintiffs and defendants jointly request that the Court grant a 4-month extension on the remaining deadlines in the CMO in this case. If this meets with your approval, would you please "so order" it? Thank you.

Very truly yours,

James Mirro  
James Mirro

10/23/06

Deadlines extended three months only.  
No further extensions.  
SO ORDERED.  
James C. Francis IV  
JCF

cc: Rachel Kleinman (by fax)